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TAGS: [PGOV](#) [PHUM](#) [EFIN](#) [ECON](#) [PINR](#) [KJUS](#) [CH](#)
SUBJECT: (C) SHANGHAI LAWYER BEATEN SEVERELY BY "MYSTERIOUS PERSONS"

REF: A. (A) SHANGHAI 154
[1](#)B. (B) SHANGHAI 151

CLASSIFIED BY: CHRISTOPHER BEEDE, POL/ECON CHIEF, US CONSULATE
SHANGHAI, DEPARTMENT OF STATE.
REASON: 1.4 (b), (d)

[1](#)1. (C) Summary: Yan Yiming, the nationally known lawyer who used the new Open Government Information Regulation to challenge the transparency of the Central Government's economic stimulus package earlier this year, was hospitalized in Shanghai after being severely beaten by "mysterious persons" on April 15. Yan reportedly told the Shanghai Morning Post that he believed his assailants had "northeastern accents" and did not appear to be from Shanghai. Reports of Yan's attack were carried on several websites, including national portals; however, there was no mention in the articles of Yan's efforts to promote transparency in the Central Government's economic stimulus package. Post will continue to monitor Yan's status and other problems related to OGI implementation. End Summary.

(C) Prominent Lawyer Attacked by Thugs

[1](#)2. (C) The Shanghai Morning Post reported on April 16 that Shanghai-based lawyer Yan Yiming, who has been pushing for increased government transparency, was beaten severely with iron rods by three "mysterious persons" in Shanghai's Xuhui District. Yan received considerable national attention earlier this year when he requested more information on the Central Government's RMB 4 trillion economic stimulus package from the Ministry of Finance (MOF) and National Development Reform Commission (NDRC). Yan made the request under China's new Open Government Information (OGI) Regulation, which was implemented on May 1, 2008 (Ref A). Yan has repeatedly and publicly expressed concern that without proper oversight, the stimulus program is ripe for mismanagement and abuse (Ref B).

(C) Not Stirring Up Trouble at Home

[1](#)3. (C) Several Consulate contacts previously have pointed out that it remains easier to file lawsuits in China against localities outside a lawyer's normal jurisdiction; otherwise lawyers fear retribution from hometown authorities. During a March 20, 2009 meeting with CongenOfs, Yan said that he also has taken precautions not to anger officials in Shanghai, stating that he avoids suing the Shanghai Municipal Government out of concern that local officials might be inclined to revoke his law license if he were to do so. He therefore has focused much of his "upholding the people's rights" (weiquan) work in Anhui Province where he has sued localities over environmental

regulations. Filing OGI requests for stimulus-related information, Yan seemed to think that seeking answers from the Central Government was safer than from the Municipal Government.

(C) Attackers Maybe Not From Shanghai

¶4. (C) In that vein, however, Yan reportedly believes his assailants were not from Shanghai. According to the Shanghai Morning Post article, Yan said his attackers spoke with "northeastern accents." He said the three "mysterious persons" pretended to solicit his legal opinion on some contracts, and then they beat him. Xuhui District Police have not yet issued a report on the incident, which the newspaper article characterized as a "rare" incidence of violence in Shanghai.

(C) Steering Readers Away from a Government Connection

¶5. (C) Reports of Yan's attack were carried by several websites, including national portals (such as China News Service). In many initial reports, there was no mention of Yan's efforts to promote transparency in the Central Government's economic stimulus package. Rather, the articles suggested the attack might be related to Yan's work on behalf of minority shareholders with several articles focusing in the headlines on Yan's work in support of small investors (zhongxiao gudong weiquan).

(C) Monitoring Yan's Case and OGI-Related Developments

¶6. (C) CongenOfs were not able to speak to Yan on April 16. Post will continue to monitor developments pertaining to Yan's case as well as to related problems involving the Open Government Information Regulation as the May 1 one-year anniversary of implementation of that regulation approaches.

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